

MINUTE ITEM

31. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2716, AND 3863.

The attached Calendar Item 27 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 27 (2 pages)

CALENDAR ITEM

INFORMATIVE

27.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2716, AND 3863.

The following information is current as of December 4, 1961:

1. Case No. 800-58 WM Civil W.O. 3019
U.S. vs. Anchor Oil Corporation, et al.
U.S.D.C., Southern District, Los Angeles County
(Long Beach Subsidence Matter)

(Request by U.S. for court order to shut down Wilmington Field if satisfactory subsurface repressuring programs for land-surface-subsidence alleviation are not put into operation. This case also seeks multi-million dollar damages for alleged injury to federal installations, principally the Long Beach Naval Shipyard.)

Since the last status report on August 28, 1961, the Plaintiff United States has served additional written interrogatories on major defendants, together with a Request for Admissions. The State, the City of Long Beach, and other defendants filed written objections to the Request for Admissions. The Court first set a pretrial conference date on November 1, 1961, which Order was vacated by the Court on October 3, 1961. Pursuant to Court Order, all parties filed Statements of Issues on or prior to October 25, 1961. On November 1, 1961, Defendants' Objections to Plaintiff's Request for Admissions were sustained. The Court has ordered all parties to file opening briefs on legal issues on or before February 1, 1962, and closing briefs, on or before March 1, 1962. At present no pretrial conference date nor trial date is set.

2. Case No. 683824 W.O. 2224
People vs. City of Long Beach
Los Angeles County Superior Court
(Alamitos Bay Quitclaim Litigation)

(Settlement of question as to whether title to oil and gas is vested in City or State in lands granted to City by State and subsequently quitclaimed to State by City. State has appealed from an adverse judgment in the Superior Court.)

Case is pending on appeal. All briefs have been filed in the District Court of Appeal. Case is awaiting setting for oral argument.

INFORMATIVE CALENDAR ITEM 27. (CONTD.)

3. Case No. 747562 (now consolidated with Case No. 646466) W.O. 2716
People vs. City of Long Beach, et al.
Los Angeles County Superior Court
(Long Beach Boundary Determination, Chapter 2000/57)

On May 15, 1961, the City filed a General and Special Demurrer, with Points and Authorities in Support Thereof, to the State's Complaint. The State's Points and Authorities in opposition to the City's Demurrer were filed on June 23, 1961. The hearing before Judge Kincaid on the Demurrer, which originally was expected to take place during the month of August, is now set for November 6, 1961. The City of Long Beach interposed general and special demurrers to State's Complaint and Petition for Supplementary Decree and Motion to Dismiss State's Petition. On November 30, 1961, Judge Kincaid overruled the demurrers and the Motion, and the City will be required to file an answer on or before January 12, 1962. This amounts to a preliminary ruling that State's Complaint states a cause of action, and that the State may be entitled to recovery if the allegations are supported by the evidence.

4. Case No. 75730 W.O. 3863
City of Hermosa Beach vs. State of California,
State Lands Commission, et al.
Los Angeles County Superior Court
(An action filed by the City for declaratory relief and
for instructions to Trustee.)

No change in status since report given at meeting of August 29, 1961; i.e., The State filed a Special Demurrer, seeking clarification of the City's Complaint, which was heard by Judge Praeger on June 5, 1961, at which time the Demurrer was sustained in part and overruled in part. The City has filed its Amended Complaint, and the State has filed an Answer and Cross-Complaint, raising an issue as to validity of the City's anti-drilling ordinance as applied to tide and submerged lands held in trust for the State. The City filed its Answer to the State's Cross-Complaint on July 24, 1961. The Shell and Continental Oil Companies gave notice to the City exercising their option to withdraw from the Drilling and Operating Contract with the City of Hermosa Beach. The case is being prepared for trial.